

Order

Michigan Supreme Court
Lansing, Michigan

December 1, 2010

Marilyn Kelly,
Chief Justice

141170 & (50)

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

JSB ENTERPRISES, INC.,
Plaintiff-Appellee,

v

SC: 141170
COA: 288981
Oakland CC: 2007-084174-CK

AWRY ENTERPRISES, INC., INNOVATIVE
PROGRAMS GROUP, INC., DIXIE A.
LEHRMITT, and DEANE LEHRMITT,
Defendants,

and

PRO-MARK PROFESSIONAL MARKETING &
INSURANCE SERVICES, INC.,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the April 22, 2010 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals, we VACATE the default judgment of the Oakland Circuit Court as it pertains to defendant Pro-Mark, we REVERSE the circuit court's order denying the motion to set aside the default as it pertains to defendant Pro-Mark, and we REMAND this case to the circuit court for further proceedings. The record at the time the default was entered did not support a default against defendant Pro-Mark. That defendant was not served and the complaint did not show a relationship between that defendant and the one defendant that was served for purposes of service of process. The motion to strike an exhibit is GRANTED, but the related request for damages is DENIED.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 1, 2010

Corbin R. Davis

Clerk